

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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Case No. 6:20-cv-580-ADA

JURY TRIAL DEMANDED

**DECLARATION OF FRANCESCA MIKI SHIMA GERMINARIO IN
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT
OF NON-INFRINGEMENT BY DEFENDANT GOOGLE LLC**

I, Francesca Miki Shima Germinario, hereby declare under 28 U.S.C. § 1746:

1. I am an attorney licensed to practice in the State of California and am an attorney at the law firm of Warren Lex LLP, counsel for Google LLC. I am over the age of 18, have personal knowledge of the matters set forth in this declaration and, if called as a witness, I could and would testify competently to each of them.

2. Attached hereto as Exhibit 1 is a true and correct copy of a letter from Greg Love of August 19, 2022, which is annotated with highlighting in accordance with the Court's Standing Order Governing Proceedings 4.3 § X.11. Exhibit 1 contains information designated "RESTRICTED – ATTORNEYS' EYES ONLY" under the Court's Protective Order (Docket No. 54); Google accordingly files it under seal.

3. Attached hereto as Exhibit 2 is a true and correct copy of a letter from Steve Skelley of August 24, 2022, which is annotated with highlighting in accordance with the Court's Standing

Order Governing Proceedings 4.3 § X.11. Exhibit 2 contains information designated “RESTRICTED – ATTORNEYS’ EYES ONLY” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from Defendant Google LLC’s Objections and Second Supplemental Responses to Interrogatories (Nos. 1 and 3), dated January 26, 2023, which is annotated with highlighting in accordance with the Court’s Standing Order Governing Proceedings 4.3 § X.11. Exhibit 3 contains information designated “RESTRICTED – ATTORNEYS’ EYES ONLY” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts of a document entitled “Barcode V2 Design,” dated August 22, 2019, which bears Bates numbers GOOG-WSOU580-00021329 and GOOG-WSOU580-00021330. Exhibit 4 contains information designated “RESTRICTED – ATTORNEYS’ EYES ONLY” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the Deposition Transcript of Dmitry Lizorkin, dated February 24, 2023, which is annotated with highlighting in accordance with the Court’s Standing Order Governing Proceedings 4.3 § X.11. Exhibit 5 contains information designated “RESTRICTED – ATTORNEYS’ EYES ONLY” and “RESTRICTED – CONFIDENTIAL SOURCE CODE” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Expert Report of Dr. Tibor Kozek Regarding Infringement of U.S. Patent No. 7,946,491 by Google LLC, dated April 4, 2023. Exhibit 6 contains information designated “SOURCE CODE – OUTSIDE ATTORNEYS’

EYES ONLY” and “RESTRICTED HIGHLY CONFIDENTIAL” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Expert Report of Justin R. Blok, dated April 4, 2023. Exhibit 7 contains information designated “HIGHLY CONFIDENTIAL - ATTORNEYS’ EYES ONLY” under the Court’s Protective Order (Docket No. 54); Google accordingly files it under seal.

9. Attached hereto as Exhibit 8 is a true and correct copy of an email from me of April 5, 2023, which contains redactions removing personally identifiable information.

10. Attached hereto as Exhibit 9 is a true and correct copy of an email from me of April 6, 2023, which contains redactions removing personally identifiable information.

11. Attached hereto as Exhibit 10 is a true and correct copy of an email from Joseph Abraham of April 6, 2023, which contains redactions removing personally identifiable information.

12. Attached hereto as Exhibit 11 is a true and correct copy of an email from me of April 6, 2023, which contains redactions removing personally identifiable information.

13. Attached hereto as Exhibit 12 is a true and correct copy of an email from me of April 11, 2023, which contains redactions removing personally identifiable information.

14. Attached hereto as Exhibit 13 is a true and correct copy of a letter from me of April 12, 2023, which contains redactions removing personally identifiable information.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2023 in San Francisco, California.



Francesca Miki Shima Germinario